

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently Amended) An active material for a positive electrode for a non-aqueous electrolyte secondary battery ~~essentially consisting~~ essentially of a lithium-metal composite oxide expressed by the general formula of $\text{Li}_x(\text{Ni}_{1-y}\text{Co}_y)_{1-z}\text{M}_z\text{O}_2$ ~~(where,~~ in which:

$$0.98 \leq x \leq 1.10,$$

$$0.05 \leq y \leq 0.4,$$

$$0.01 \leq z \leq 0.2, \text{ and where}$$

and M is at least one metal element selected from the group of Al, Mg, Mn, Ti, Fe, Cu, Zn ~~and Ga), and Ga;~~ and

wherein ~~having~~ SO_4 ions ~~in the range~~ are present in an amount ranging from 0.4 weight % to 2.5 weight %, and ~~wherein~~ the occupancy rate of lithium found from the x-ray diffraction chart and using Rietveld analysis is 98% or greater.

2. (Currently Amended) ~~An~~ The active material for a positive electrode for a non-aqueous electrolyte secondary battery of Claim 1, wherein ~~the carbon amount measured by way of~~ said active material contains 0.12 weight % or less of carbon, as measured by the high frequency heating-infrared absorption method is 0.12 weight % or less, and wherein the Karl Fischer water content due to heating at 180°C ~~be of said~~ active material is 0.2 weight % or less.

3. (Currently Amended) ~~AA~~A non-aqueous electrolyte secondary battery
~~produced using~~comprising the active material for a positive electrode of one of Claims 1
~~and~~or 2.